

EXHIBIT “D”

Daniel Zohny

From: Daniel Zohny
Sent: Wednesday, February 06, 2008 3:50 PM
To: 'shoyos@comcast.net'
Cc: Gary P. Adelman
Subject: Motion to Dismiss

Dear Sandra,

I just received a Notice from ECF that the Docket Entry was deficient and that you need to refile your Motion to Dismiss.

With respect to the clear case law in the Southern District of New York (and of Honorable Sweet) regarding personal jurisdiction in copyright infringement cases that I provided you with, I believe that your motion would certainly be denied on legal grounds. Insofar I also believe that at this point a re-filing of the motion would be frivolous as you are on notice with respect to the governing law in this district.

Therefore, and also due to the fact that we were going to ask you to withdraw your motion, in order to save time and costs for the parties and in the spirit of judicial economy I ask you to reconsider your decision to file Defendants' Motion to Dismiss.

Best regards

Daniel

Daniel Zohny
Robinson Brog Leinwand Greene Genovese & Gluck P.C.
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2/19/2008

Daniel Zohny

From: Daniel Zohny
Sent: Wednesday, February 06, 2008 11:19 AM
To: 'shoyos@comcast.net'
Cc: Gary P. Adelman
Subject: RE: Ortiz v. GBM

Sandra,

please find attached Judge Sweet's decision with respect to personal jurisdiction in NY.

In addition, I attached an additional case (**EDITORIAL MUSICAL LATINO AMERICANA**) that directly deals copyright infringement as to music records. I believe the case is on point and has an almost identical factual background to the case at bar. I have highlighted the pertinent sections of the decision.

Furthermore, I will let you know whether we can meet when you are in New York, in order to discuss the case.

Should you have any questions, do not hesitate to contact me.

Best regards

Daniel

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From: shoyos@comcast.net [mailto:shoyos@comcast.net]
Sent: Wednesday, February 06, 2008 11:07 AM
To: Daniel Zohny
Subject: RE: Ortiz v. GBM

Daniel: It was a pleasure speaking with you today.

As a follow-up to our telephone conversation of today's date, please provide me with a copy of the case that we discussed.

Thank you in advance for your cooperation.

Sincerely,

2/19/2008

Sandra Hoyos, Esq.

2/19/2008